

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

HOLLIE K. WIGGINS and LARRY F.
WIGGINS, Jr.,

Plaintiffs

vs.

BELK'S DEPARTMENT STORE OF
SAVANNAH GA, INC.

Defendant

CIVIL ACTION NO.:
STCV1100507

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STATE COURT OF GEORGIA
CHATHAM COUNTY
REGISTRATION
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R. B. Green, Jr. Clerk

COMPLAINT FOR DAMAGES

Come now Hollie K. Wiggins and Larry F. Wiggins, Jr., and show the Court the following:

1. Belk's Department Store of Savannah GA, Inc. (hereafter "Belk's") is a corporation incorporated under the laws of Georgia with its principal place of business in Savannah, Chatham County, Georgia, at Oglethorpe Mall and is subject to the jurisdiction of this Court.
2. On December 26, 2009, Hollie K. Wiggins ("Hollie") was a customer at Belk's Department Store at Oglethorpe Mall, Savannah.
3. Venue of this lawsuit is proper in this Court.
4. Pursuant to O.C.G.A. § 51-31-1, as owner or occupier of Belk's Oglethorpe Mall store is liable to persons who are on such premises as shoppers or customers for injuries caused by Belk's failure to use ordinary care in keeping its premises safe.
5. Hollie Wiggins was shopping on the Belk's premises, the second floor thereof, on December 26, 2009 and was there injured by reason of Belk's negligence in failing to keep its



premises safe by reason of placement of or in maintaining or both, of a raised floor electrical outlet.

6. While walking in a carpeted area where customers were expected and intended to walk, Hollie Wiggins tripped on an electrical floor outlet that was substantially raised above the level of the carpeted area where she was walking and, as a result, she fell and sustained serious injuries, including fractured bones in the right foot/ankle.

7. The sole and exclusive cause of Hollie tripping and the resultant injury was the negligence of Balk's in maintaining the raised outlet in a walk area in which it was expected and intended customers would walk, and which the electrical floor outlet created a "tripping" hazard.

8. As a result of the incident referred to (tripping on the electrical device), Plaintiff Hollie Wiggins' ankle/foot was fractured and she incurred medical expenses exceeding \$35,000.00.

9. Further, as a result her injuries, Hollie Wiggins was entirely disabled from work for several months and remains partially disabled and for which she is entitled to damages.

10. Hollie Wiggins, as a result of the injury described, has been and continues to be restricted in her personal activities and such incapacities will exist for her lifetime.

11. Hollie Wiggins suffered and continues to have pain and suffering and inability to do work and activities which she enjoyed before the injury, and such pain, suffering and inability are permanent and are of both mind and body.

12. Larry Wiggins, as husband of Hollie Wiggins, was and continued to be damaged by reason of the loss of companionship and services of his wife and for which he is entitled to be compensated.

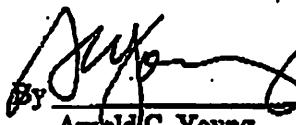
13. The injury to Hollie Wiggins, together with all expenses, loss of income past and future, pain and suffering and the loss of consortium of Larry Wiggins were caused solely and exclusively by the negligence of Belk's and for which Belk's has sole responsibility.

WHEREFORE:

- A. Hollie Wiggins demands judgment from Belk's in the just amount of \$300,000; and
- B. Larry Wiggins demands judgment from Belk's in an amount of \$80,000; and
- C. Plaintiff's demand that all costs be cast upon Defendant.

This 2 day of March, 2011.

HUNTER MACLEAN EXLEY & DUNN, P.C.


By _____
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